

**0CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/154/2021

This the 03rd day of February, 2021



HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

1. Bilal Ahmad Parray, aged 35 years, S/o Ab. Majeed, Parray, R/o Hajin, Bandipora.
2. Bilal Ahmad Wani, aged 37 years, S/o Gh. Mohd Wani, R/o Hajin Bandipora.
3. Javid Ahmad Dar, aged 34 years, S/o Gh. Qadir Dar, R/o hajin Bandipora.
4. Lateef Ahmad Rather, aged 38 years, S/o Gh. Mohd. Rather, R/o Hajin Bandipora.
5. Mohd. Aqib Wani, aged 40 years, S/o Gh. Mohd Wani, R/o hajin, Bandipora.
6. Imtiyaz Ahmad Wani, aged 39 years, S/o Noor Mohd Wani, R/o Hajin, bandipora.
7. Bashir Ahmad Khan, aged 39 years, S/o Gh. Rasool Khan, R/o Arin Bandipora.
8. Shahzad Ahmad Ganai, aged 33 years, S/o Gh. Mohd Ganai, R/o mangnipora Bandipora.
9. Ashiq Hussain Lone, aged 34 years, S/o Mumtaz Ahmad Lone, R/o Ward 5 Bandipora.
10. Bilal Ahmad Hondu, aged 40 years, S/o Mohd. Sultan Hondu, R/o Laharwalpora Bandipora.
11. Inayat Ahmad Ganai, aged 41 years, S/o Gh. Mohd. Ganai, R/o Mangnipora Bandipora.
12. Mohd Rafiq Mathanji, aged 38 years, S/o Gulzar Ahmed Mathanji, R/o Magnipora, Bandipora.
13. Ubaid yaseen, aged 39 years, S/o Mohd Yaseen Sheikh, R/o Kadipora Bandipora.
14. Mudasir Ahmad Malla, aged 33 years, S/o Habibullah Malla, R/o Botingoo Sopore.



15. Ashiq Iqbal Lone, aged 37 years, S/o Nazir Ahmad Lone, R/o Nadihal Bandipora.
16. Shabir Ahmad Kumar, aged 38 years, S/o Gh. Ahmad Kumar, R/o Khayar, Bandipora.
17. Ab. Rarim Kumar, aged 36 yars, S/o Ab. Rehman Kumar, R/o Bonakote Bandipora.
18. Azad Ahmad Khan, aged 40 years, S/o Gh. Mohiudeen Khan, R/o Watrani, Bandipora.
19. Aijaz Ahmad Malik, aged 29 years, S/o Mohd Shahban Malik, R/o Mantrigam Bandipora.
20. Mohsin Amin, aged 34 years, S/o Mohd Amin Ganai, R/o Muslimabad, Bandipora.
21. Fayaz Ahmad Malla, aged 42 years, S/o Gh. Mohd. Malla, R/o Arin Bandipora.
22. Mohd Rafiq Tandray, aged 40 years, S/o Gh. Mohiuddin Tantray, R/o Darhoma Bandipora.
23. Rozy Bano, aged 29 years, S/o Gh. Ahmad Dar,m R/o Hygam Sopore.
24. Bisma Hassan, aged 31 years, S/o Gh. Hassan Dar,R/o Nowhamam Sopore.
25. Towseef Gulzar aged 36 years, S/o Gulzar Ahmad Mir, R/o Malangam Bandipora.
26. Showkat Ahmad Sofi, aged 34 years, S/o basher Ahmad Sofi, R/o Kuloosa Bandipora.
27. Amir Ayoub Khan, aged 35 years, S/o Mohd. Ayoub Khan, R/o Wutrina, Bandipora.
28. Manazzar Ahmad Bhat, aged 40 years, S/o Gh. Ahmad Bhat, R/o Malangam Bandipora.
29. Wali Mohd. Ganai, aged 35 years, S/o Ab. Gani Ganai, R/o Quilmuqam Bandipora.
30. Showkat Dilawar Khan, aged 37 years, S/o Mohd. Dilwar Khan, R/o Cheepora, Kupwara.
31. Shahid-ul-Islam aged 40 years,. S/o Imtiyaz Ahmad Bhat, R/o Kanipora, Baramulla.
32. Mushtaq Al Wani, aged 41 years, S/o Mohd Ayoub Wani, R/o Sumbal, Bandipora.
33. Javid Ahmad Dar, aged 39 years, S/o Mohd Maqbool Dar, R/o Bungam Kunzar.
34. Mohd Altaf Mir, aged 33 years, S/o Gh. Mohd Mir, Nadigund Tangmarg.



35. Tariq Ahmad Khan, aged 32 years, S/o Mohd Ahsan Mir, R/o Gulshanpora, Gurez.
36. Tariq Ahmad Dar, aged 37 years, S/o Asadullah Dar, R/o Thichilora Thangmarg.
37. Ab Hamid Lone, aged 39 years, S/o Gh. Mohiuddin Lone, R/o Edipora Bomai, Sopore.
38. Sameer Hussain Mir, aged 40 years, S/o Fida Hussain Mir, R/o Delina Baramulla.
39. Sheikh Umar Yousaf, aged 40 years, S/o Mohd Yousaf Sheikh, R/o Edipora Bomai.
40. Gh. Ahmad Baba, aged 43 years, S/o Mohd Yousaf Baba, R/o Edipora Bomai Sopore.
41. Akhter Hussain Mir, aged 42 years, S/o Mohd. Safdar Mir, R/o Delina Baramulla.
42. Mushtaq Ahmad Dar, aged 38 years, S/o Abdul Raheem Dar, R/o Darhuma Bandipora.
43. Tanveer Ahmad Dar, aged 38 years, S/o Bashir Ahmad Dar, R/o Churpora Narbal.
44. Javid Ahmad Malik, aged 30 years, S/o Khazir Mohd Malik, R/o Kultoor Handwara.
45. Abdul Salam Sheikh, aged 33 years, S/o Mohd Ashraf Sheikh, R/o kachrie Kupwara.
46. Jalal Ud Din Sofi, aged 37 years, S/o Ali Mohd Sofi, R/o Chakloo Baramulla.
47. Gh. Mohd Sheikh, aged 40 years, S/o Ab. Khaliq, Sheikh, R/o Bonakot, Bandipora.
48. Mushtaq Ahmad Lone, aged 42 years, S/o Gh. Rasool Lone, R/o Sumlar, Bandipora.
49. Mohd Shei Sheikh, aged 49 years, S/o Ab. Khaliq Sheikh, R/o Bonakot Bandipora.
50. Fayaz Ahmad Lone, aged 36 years, S/o Gh. Rasool Lone, R/o Sumlar Bandipora.
51. Arif Rasool Lone, aged 36 years, S/o Gh. Rasool Lone, R/o Sumlar Bandipora.
52. Khursheed Ahmad Beigh, aged 35 years, S/o Mohd. Afzal Beigh, R/o Wangipora Baramulla.
53. Maroof Rashid Wani, aged 35 years, S/o Gh. Qadir, R/o papchan Bandipora.
54. Waheed Ahmad Dar, aged 33 years, S/o Ab. Gani Dar, R/o Matrigam, Bandipora.



55. Yahya Bakhtar Malik, aged 40 years, S/o Gh. Nabi Malik, R/o Sonwari Bandipora.
56. Arshid Hussain Wani, aged 29 years, S/o Mohd Sadiq Wani, R/o Sonawari Bandipora.
57. Mumtaz Ahmad Chachi, aged 28 years, S/o Lal Din Chachi, R/o Tanghad Bandipora.
58. Mahjabeena Ara, aged 39 years, S/o Gh. Mohiuddin Tantray, R/o Khanabal Handwara.
59. Sheikh Suhail Iqbal, aged 38 years, S/o Sheikh Mod Toyib, R/o Khanabal Handwara.
60. Jan Mohd. Ganie, aged 37 years, S/o Gh. Mohd Gane, R/o Kaloosa, Bandipora.
61. Ashiq Hussain, aged 41 years, S/o Gh. Mohd Sheikh, R/o Onagam Bandipora.
62. Noor Mohd Ganie, aged 42 years, S/o Saif Ud Din Ganie, R/o Kaloosa Bandipora.
63. Jadiv Ahmad Poswal, aged 43 years, S/o Naik Mohd. Poswal, R/o Lolab Kupwara.
64. Ashiq Hussain Bhat, aged 1 years, S/o Gh. Hassan Bhat, R/o nadihal Bandipora.
65. Firdous Ahmad Mir, aged 39 years, S/o Ali Mohd Mir, R/o Ajar Bandipora.
66. Junaid Ahmad Bhat, aged 36 years, S/o Ab. Rashid Bhat, R/o Malangam Bandipora.
67. Mohd Ashraf aged 35 years, S/o Gh. Mohd Bhat, R/o Buran Pattan,
68. Sameer Ahmad Sheikh, aged 36 yers, S/o Ali Mohd Sheikh , R/o Gund Jehangir, Bandipora.
69. Mushtaq Ahmad Mir, aged 34 years, S/o Mohd Ismail Mir, R/o Chatterhama, Srinagar.
70. Rameez Ramzan Dar, aged 35 years, S/op Mohd Ramzan Dar, R/o Chatterhama, Sringar.
71. Shabir Ahmad Bahar, aged 33 years, S/o Gh. Mohd. Bahar, R/o Gund Jehangir Bandipora.
72. Gazanfar Ali, aged 39 years, S/o Anayat Ullah malla, R/o Shilawat Bandipora.
73. Shakeel Ahmad Rather, aged 33 years, S/o Gh. Mohd Rather, R/o Wangipora, Bandipora.
74. Ghulam Nabi Gojree, aged 34 years, S/o Abdul Razaq Gojree, R/o Palhallan Pattan Baramulla.



75. Bashir Ahmad Lone, aged 35 years, S/o Khazir Mohammad Lone, R/o Kalantara, Baramulla.
76. Abdul Aziz Bhat, aged 36 years, S/o Mohd Maqbool Bhat, R/o Shilawat Bandipora.
77. Kulsoom Shafi, aged 37 years, S/o Mohd. Shafi Shafh, R/o Kachu Kukam Baramulla.
78. Saleem Jaffer Bhat, aged 38 years, S/o Mohd Jaffer, Bhat, R/o Watargam Baramulla.
79. Mohd. Qasim Rather, aged 39 years, S/o Talib Rather, R/o Gund Ibrahim Pattan Baramulla.
80. Mudsir Hussain Rather, aged 38 years, S/o Mohd Yousaf Rather, R/o Gund Ibrahim Pattan Baramulla.
81. Bilal Ahmad Bhat, aged 33 years, S/o Ghulam Nabi Bhat, R/o Qazipora Watpora Bandipora.
82. Mymoona, aged 29 years, S/o Ghulam Hassan Ganie, R/o Reshipora Budgam.
83. Mudasir Ramzan Thoker, aged 31 years, S/o Mohd. Ramzan Thoker, R/o Dalina, Baramulla.
84. Mohd Iqbal Rather, aged 34 years, S/o Gh. Mohiuddin Rather, R/o Daline Baramulla.

.....Applicants

(Advocate:- Mr. A.M. Mir)

Versus

1. Union Territory of Jammu & Kashmir, through its Commissioner Secretary to Government, Jal Shakti Department, Civil Secretariat, Jammu/Sringar.-180001.
2. Chief Engineer, Jal Shakti Department, Srinagar/Kashmir-190001.
3. Executive Engineer, Jal Shakti Department, Hydraulic Division, Bandipora, Kashmir-193502.

.....Respondents

(Advocate: Mr. Sudesh Magotra, Id. Deputy Advocate General)

ORDER**[O R A L]****(Delivered by Hon'ble Mr. Anand Mathur, Member-A)**

Learned counsel for the applicants submits that the applicants are working as Seasonal Workers in the Jal Shakti Department since 2006. The applicants are eligible for their regularization in terms of SRO 64/1994 and SRO 520 of 2017 which stipulates regularization benefits to the seasonal workers who have continuously performed their duties for 10 months.

2. Learned counsel for the applicants further submits that the applicants would be satisfied, in case, a direction is issued to the respondents to consider their case for regularization in terms of SRO 64/1994 read with SRO 520 of 2017 dated 21.12.2017 and release the unpaid wages of the applicants.

3. We have heard Mr. A.M. Mir, learned counsel for the applicants and Mr. Sudesh Magotra, ld. Deputy Advocate General for the respondents and perused the record.

4. The prayer in the OA is to direct the respondents to regularize the services of the applicants. We find it difficult to accede to such a request. As a matter of fact the Hon'ble Supreme Court deprecated the practice of issuing such direction. At the same time, if there exist any policy in the Government as regards dealing with the employees of this nature, the case of the applicants also need to be considered in accordance with rules. Beyond that, we cannot issue any direction.



5. We, therefore, dispose of the OA directing the respondents to consider the cases of the applicants, in terms of the existing policy and relevant schemes governing regularization and also release the legitimately earned wages, if permissible under the rules, within a period of two months from the date of receipt of a certified copy of this order. It is made clear that we have not expressed any opinion on the merits of the case. There shall be no order as to costs.

(ANAND MATHUR)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)